

The Parliamentary Elections in Croatia

October 29, 1995



**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

PARLIAMENTARY ELECTIONS IN CROATIA OCTOBER 29, 1995

PREFACE

This report is based on the findings of members of the staff of the Commission on Security and Cooperation in Europe (the Helsinki Commission) who observed Croatia's parliamentary elections of October 29, 1995. The Commission had observed elections in Croatia in April 1990, the first multiparty elections in Croatia since World War II, and in August 1992, the first elections since Croatia declared its independence from Yugoslavia in June 1991.

In observing the 1995 elections, Commission staff joined a delegation of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE). As part of that delegation and on their own, they met with members of the Election Commission of the Republic of Croatia, other government officials, representatives of several political parties fielding candidates, members of non-governmental organizations and journalists. They were also briefed on the situation in the country by representatives of the UN High Commissioner for Refugees and the UN Peace Forces (UNPF) in Croatia. On election day, the voting and counting of ballots were observed at polling stations in Split, Sinj and Imotski in the Dalmatian region of Croatia. The staff also traveled to Livno, Tomislavgrad, Posusje and Mostar in Bosnia-Herzegovina to observe the "diaspora" voting. Other Commission staff observed the "diaspora" voting and the counting of ballots in the United States, specifically in Washington, DC, and Pittsburgh, PA.

Other sources for this report include American and Croatian press articles and materials provided by the Election Commission of the Republic of Croatia, the OSCE Parliamentary Assembly and the National Democratic Institute for International Affairs.

The Commission staff thanks the American Embassy in Zagreb, the U.S. Department of State and the OSCE Parliamentary Assembly for their assistance in helping organize the visit and providing background information on the political and economic situation in Croatia leading up to the elections.

SUMMARY

On October 29, 1995, Croatia held elections for the 127 seats in the House of Representatives, the lower chamber in Croatia's "Sabor," or parliament. The elections were called earlier than required by President Franjo Tudjman in light of the new situation in Croatia created by the retaking of most of the territory occupied by Serb militants since 1991, and the mass exodus of ethnic Serbs from those regions into Serb-occupied parts of neighboring Bosnia-Herzegovina and into Serbia itself. Representatives for 80 of the seats were chosen on the basis of a nationwide, proportional vote in which 14 political parties or coalitions of parties participated. Representatives for 28 seats were chosen on the basis of a majority vote in electoral districts established for the elections. Twelve seats were chosen on the basis of a proportional vote of Croatian citizens, the so-called "diaspora," residing outside Croatia's borders, in which seven political

parties or coalitions participated. The remaining seven seats were reserved for some of Croatia's national minorities, including three seats in a nationwide vote among members of the Serb community, one seat for those of the Italian minority, one for the Hungarian minority, one for the Czech and Slovak minorities, and one for the Ruthenian, Ukrainian, German and Austrian minorities in specified regional districts. The elections demonstrated disappointingly little democratic progress in Croatia since 1990, when multi-party elections were first held. In fact, the apparent unwillingness of the authorities to permit a truly open electoral system in which all had confidence, or a genuinely free media to permit a more competitive campaign period, seemed almost an expression of defiance of any democratic trend that may exist in Croatia at this time. Smaller flaws in polling practices observed on election day also become less excusable in that they indicated no attempt by the authorities to correct problems observed in all past elections. Thus, while the elections generally have been considered to be free in terms of providing voters with a choice, they were not satisfactorily fair in the way that choice of candidates was presented to the voters. Despite these problems, it is likely that the election results—which kept the ruling Croatian Democratic Union (HDZ) in power—represent the general will of Croatia's voting population. The elections were scheduled a year in advance to capitalize politically on the Croatian Army's victories in retaking occupied territory. Opposition parties in Croatia, while improving their own coordination, have difficulties convincing the electorate that they present a viable alternative for which it is worth voting. The realities of more than four years of war and occupation in or near Croatia certainly have contributed to a political environment in which the country's potential for democratic development has been, at least partially, lost.

Winning 75 seats, the HDZ can maintain sole control of the government, which was formed in early November under a new Prime Minister, Zlatko Matesa. The HDZ failed to achieve the two-third's majority it needed to enable it to amend unilaterally the country's constitution. The government may not be able to garner sufficient additional votes from other parties represented, other than perhaps those which seem close to the HDZ, in any attempt to do so. Croatia's future course remains uncertain. On the one hand, the way in which the elections were held indicates that Croatia's current leaders have become brazen in manipulating the system in ways not conducive to democratic development in order to maximize their own political power. Combined with some major human rights violations which took place with the retaking of territory occupied by Serb militants, there are reasons for concern about the course in which Croatia may be heading. On the other hand, the HDZ did not do quite as well as its leaders may have hoped, including in the city elections held in Zagreb in conjunction with the parliamentary elections, signaling that Croatia's voting population may limit the extent to which the government can pursue certain paths at its expense. Certainly, as Croatia recovers from the war and matures as an independent state, the diversity of its people and their general Western orientation will become more pronounced, making it more difficult for those who govern using pseudo-communist methods reminiscent of the Yugoslav period to remain in power. Thus, Croatia's long-term prospects for democratic development look bright. Major challenges still lie ahead, however, not the least of which is whether the departed Serb population will ever be genuinely encouraged to return. For all their faults, the 1995 parliamentary elections in Croatia may have moved the country slightly forward by revealing many of the shortcomings that still exist.

BACKGROUND

Geography and Demography of Croatia

Croatia is located in south-central Europe, with an Adriatic coastline of more than 1,000 miles and borders with Slovenia, Hungary, Serbia, Bosnia-Herzegovina and Montenegro. The capital of Croatia is Zagreb. While smaller than the state of West Virginia, Croatia stretches across three principal geographic and climatic regions: the relatively flat region of Slavonia occupying the northern and eastern parts of the country, which has a largely continental climate; a coastal region, stretching from the Istrian Peninsula in the north to Dalmatia in the south, which has a Mediterranean climate; and, in between, the mountainous region of central Croatia.

Croatia's pre-conflict population of 4.76 million was fairly diverse, with 78 percent ethnically Croat and 12 percent ethnically Serb. There was, and remains, sizable populations of Muslim Slavs, Hungarians, Italians, Albanians, Czechs, Slovaks and Ukrainians. Two percent of the population consisted of people considering themselves to be ethnic Yugoslavs, many the likely result of mixed marriages. As a result of the conflict, however, demographic trends have shifted substantially, due to over 10,000 war-related deaths, a mass outmigration of ethnic Serbs first in 1991 and then again in 1995, and a tremendous refugee flow into Croatia from Bosnia-Herzegovina, including ethnic Muslims (Bosniacs) and Croats.

History of Croatia

Croatia has a strong Western tradition resulting from the fact that the area fell slightly the west of the line dividing the Eastern and Western Roman Empires, leading Croats to adopt the Roman Catholic faith, the Latin script and the influences of Frankish rule as a result. In contrast, the South Slavic groups to the east, including the Serbs and Macedonians, adopted the Eastern Orthodox faith, the Cyrillic script and the influences of Byzantium. These differing cultural traits were further accentuated by the later division of the Balkans between the Ottoman and the Austro-Hungarian Empires. It was during this period that the present-day Muslim Slavs (Bosniacs) of Bosnia-Herzegovina, under Ottoman control, converted to Islam. It was also during this period that ethnic Serbs, fleeing Ottoman encroachments, settled on Croatian territory within the Austro-Hungarian Empire. Most of these Serbs settled along the frontier, where they were treated well by the Habsburgs in return for their defending the border from Turkish advances.

With the demise of both the Austro-Hungarian and the Ottoman Empires in World War I, Croatia's more recent experience has been as part of a Yugoslav state, beginning in 1918. Originally, such a state had enthusiastic supporters in Croatia, but Belgrade's efforts to centralize power brought disillusionment and anti-Serbian sentiment in Croatia, which gained some autonomy in 1939. During World War II, Yugoslavia was dismembered, and Croatia achieved nominal independence as a fascist state that severely persecuted its Serbian, Roma (Gypsy) and Jewish populations, including through mass killings, deportations, forced conversions, and internment in camps. Communist Partisans under Josip Broz Tito, fighting both occupation forces and rival liberation forces, reunified Yugoslavia. He was able to reunify the country, and maintain independence from Soviet control through a combination of genuine popularity, reformed communism and economic progress on the one hand, and centralized power and repressive measures, especially against nationalist dissent, on the other. The purge of Croatian nationalists and liberals during the failed "Croatian Spring" of 1971 led to the virtual disappearance of a visible Croatian nationalism until well after Tito's death. At the same time, the opening of Yugoslavia to the West benefitted Croatia economically, especially in the development of tourism along the Adriatic coast. It also allowed increased opportunities for residents of Croatia, as for all Yugoslavs, to establish and maintain contacts with foreigners.

After Tito's death in early 1980, political power in Yugoslavia was spread among the six constituent republics and provinces in such a way that none, in theory, could come to dominate the others within the federation. However, disputes arose among the regions over the future political course of the country, with a parallel resurgence in nationalism, ethnic strife and separatist sentiment. This was exacerbated by growing economic difficulties, including substantial unemployment, austerity measures necessitated by a large foreign debt, and hyperinflation. Slovenia and Croatia were significantly better off economically than the others and became increasingly so, adding to disagreement over the generation and distribution of the country's wealth. The two northern republics had had enough of subsidizing the country's southern regions through large contributions to the federal budget. Meanwhile, Slobodan Milosevic, riding an increasing tide of Serbian nationalism focused on Albanian-inhabited Kosovo, rose in the ranks of Serbia's political system by promising to restore all that Tito had allegedly taken away from the largest of Yugoslavia's peoples. This nationalism played well not only among the Serb inhabitants of Serbia but also among the 25 percent of Yugoslavia's Serbs who lived outside of that republic.

Political Pluralism and Yugoslavia's Demise

While Yugoslavia—considered at the time the most progressive communist country, politically independent and with a functioning market-oriented economy—was grappling with these difficulties, the East-Central European countries of the Warsaw Pact were the scene of revolutionary political developments in 1988 and 1989. Pressures for democratization were felt in Yugoslavia as well and were, in fact, viewed as the possible answer to the political crisis developing in the country. However, the reformist and independent character of Yugoslav Communism made the leadership less vulnerable to democratic change than their counterparts in neighboring countries who depended on Soviet support. Moreover, growing nationalism made democratic development possible only at the republic, not the federal, level, especially after the all-Yugoslav League of Communists collapsed in December 1989. As a result, the economically advanced northern republics moved in front of the wave of political reform sweeping the region, while others in the federation fell increasingly behind.

Slovenia's bold initiatives toward greater openness and political pluralism during this period stimulated a liberalization movement in Croatia, still tempered by Tito's 1971 crackdown. Neither Slovenes nor Croats considered themselves geographically, culturally or historically a part of the Balkans, but rather of Central Europe, and democracy increasingly became synonymous with sovereignty, independence and integration with Europe. Soon after Slovenia held the first multi-party elections in post-war Yugoslavia in April 1990, Croatia did the same. The League of Communists of Croatia, renamed the Party of Democratic Changes, was ousted by a nationalist bloc led by the Croatian Democratic Union ("HDZ" for Hrvatska Demokratska Zajednica in Croatian) in elections that were conducted generally in a fair and open manner, albeit with problems on election day due largely to inexperience with competitive elections. The new HDZ parliament selected its leader, Franjo Tudjman, as the republic's President.

In the aftermath of the elections, the relationship between the Croatian majority and the ethnic Serb minority of the republic's population polarized significantly.⁽¹⁾ The new Croatian Government embarked on a nationalist program calling for Croatian sovereignty in what would be, at most, a loose confederal arrangement in Yugoslavia. The initiative ignored the concerns and sensitivities within certain segments of the republic's large ethnic-Serb population, which retained strong memories of what the independent fascist state of Croatia had done during World War II. Ethnic-Serb authorities, especially within the administration and police forces, were quickly replaced. This produced an anti-Serbian image for the new govern-

ment despite its claim that it was merely addressing the problem alleged by Tudjman during the campaign that ethnic Serbs, comprising 12 percent of the population, accounted for 45 percent of the people "running things" in Croatia.

Under the guise of defending the existing Yugoslav Federation, Serbia's still communist regime, led by President Slobodan Milosevic, took full advantage of the situation by instigating leaders of the Serb community in Croatia to increased militancy for the purposes of allying their territory with a "Greater Serbia." Indeed, Milosevic might have sought to agitate the sensitivities of ethnic Serbs in Croatia regardless of the measures taken by the Croatian Government, but the ones that were taken provoked the Serbs and only made it easier. Militancy was especially evident in the heavily Serb region known as Krajina surrounding the southwestern city of Knin, which proclaimed its own autonomy and sought separation from Croatia in order to remain in a unified Yugoslav state with Serbia. Serb roadblocks were formed, and violence erupted in several localities between resident Serbs and Croatian forces during the remainder of 1990 and into 1991. In the meantime, Croatia proceeded with its moves toward independence, adopting a new constitution in December 1990 and holding a referendum on independence in May 1991.

Following an ill-fated attempt to determine the Yugoslav Federation's future through negotiations which took place in parallel with these developments, the war began in earnest after the June 25, 1991, declarations of independence by Slovenia and Croatia. The Yugoslav military, with its own, separate agenda but under increasing Serbian control in Belgrade, attempted but failed to take control of Slovenia by force. It later joined Serb militants fighting in Croatia. European Community (EC) mediation was largely in vain. Over one dozen ceasefire agreements were negotiated by EC envoy and former British Foreign Secretary Lord Carrington or by the then-Dutch Presidency of the EC; these efforts may have kept fighting from spreading even more quickly but were largely ignored by local combatants, despite deployment of a European Community Monitoring Mission to observe compliance.⁽²⁾

The fighting finally subsided in January 1992 in what could best be called a fragile—and frequently broken—peace under a ceasefire agreement mediated by United Nations envoy Cyrus Vance, which included the eventual deployment of close to 15,000 U.N. Protection Forces (UNPROFOR) in four protected areas (UNPAs) of Croatia. The Vance plan also provided for the return of the Croatian military to barracks, the withdrawal of the Yugoslav military from the republic, the disarming of Serb militants, the return of normal civilian controls in the UNPAs, and, most critical for Croatia politically, the return of displaced persons to their homes.

After 6 months of conflict, about 10,000 people were dead, 700,000 were displaced, reports of atrocities abounded, and many towns and cities throughout Croatia, especially in the Slavonian and Dalmatian regions of Croatia, were severely damaged or destroyed. Maintaining a Yugoslav federation under such conditions was clearly impossible, and, after much international squabbling about the merits of recognition and the criteria for doing so, Croatian independence was recognized, along with that of Slovenia, by most of the world during the first months of 1992. Unlike Slovenia, however, to obtain recognition by the European Community—which generally has taken the lead in recognizing or not recognizing former Yugoslav republics—Croatia was found lacking in its respect for certain human rights and had to provide assurances on the protection of rights relating to national minorities, which it did.⁽³⁾ Both Croatia and Slovenia joined the United Nations and the Conference on Security and Cooperation in Europe.

Developments Since the Conflict and Independence

While Croatia had finally achieved its independent statehood, significant portions of Croatian territory remained effectively out of Zagreb's control. Moreover, the fighting uprooted a large portion of the republic's civilian population, forcing them to move to safer parts of Croatia or abroad. Meanwhile, as the fighting intensified in neighboring Bosnia-Herzegovina, hundreds of thousands of refugees from that republic strained Croatian resources to the point that by September 1992 the authorities announced that they could take no more and would therefore transfer them to other countries. Combined with a lack of genuine economic reform (made virtually impossible during the course of a war), the difficulties in de-linking the Croatian economy from that of the other Yugoslav republics, and the heavy physical destruction, the conflict caused a serious deterioration in economic well-being.

These factors, in turn, deeply affected Croatia's political development. Many Croatian citizens were critical of the overly nationalistic tendencies of the HDZ from the beginning, but it was clear that the polarization of political views normal to a democratic system was constrained by the preservation of unity during the war. Afterwards, this was perpetuated by the popular support for independence as the cause for which the war had to be fought. To proclaim views deemed "Yugoslav" was politically dangerous if not suicidal, for example, especially as "Yugoslav" became increasingly synonymous with "Serbian." On net, the effects of the war on Croatian politics seemed favorable to the far-right and, not unexpectedly, hampered the short-term prospects for increased pluralism. This did not become evident in greater support for more extreme parties; rather, the entire political spectrum, including moderates, shifted to the right.

Mutually reinforcing the effects of the war were democratically suspect factions of the ruling HDZ, anti-communist in their rhetoric but with a political outlook shaped by decades of communist rule. Indeed, many were former communists, and some, including Franjo Tudjman and Vladimir Seks, had earlier run afoul of the communist leadership and personally suffered under it, adding a vengeance factor to HDZ policies. With their nationalist outlook, they acted in many ways like communists as they purged mid- and high-level officials who were not loyal to the HDZ in the republic's government and in many local governments, as well as in much of the media. As one foreign visitor noted at the time of the August 1992 elections, Croatia still seemed to be run by a party and not by a government.

Croatian society was sufficiently open and pluralistic to create pressure for new elections, which were held in August 1992 and February 1993, despite the fact that one-quarter of the country was still outside the control of legitimate authorities. At the time, the decision for elections seemed to be, in part, a response to the pressures of the opposition as well as to those abroad who wanted to quicken the pace of democratic developments in Croatia. In part, however, the decision seemed to be highly political in its apparent advantages for the ruling party. In any event, the election outcome reinforced HDZ control over the country's government, although other parties made gains at the local level in some regions.

In the meantime, frustration over the lack of progress in implementing the Vance plan became apparent. The continued Serb control of the four areas under United Nations protection, as well as surrounding "pink zones" still controlled by Serbs but not under United Nations protection, infuriated a large segment of Croatia's citizenry and those displaced in particular. As reports of UNPROFOR inadequacies and unprofessional behavior (including black market operations) materialized, Croatian officials expressed continued support for the Vance plan but began to suggest that UNPROFOR's mandate be changed so that the plan could be implemented. Behind some complaints was the suggestion that Croatia would be willing to try to

implement the plan itself through a military offensive, accompanied by calls for lifting the arms embargo placed on Croatia and all other former Yugoslav republics. In January 1993, such a military effort was actually initiated in Dalmatia, especially around Zadar, the Maslenica bridge and the Peruca dam.

The effort, which achieved some objectives but did not significantly change the overall situation, was believed to have been taken both to satisfy Dalmatians that Zagreb was aware of their continued plight and to warn the international community that time was running out for the truce in Croatia. However, Croatia was criticized internationally for the offensive, and only minor improvements, essentially confirming the fact that the UNPAs and "pink zones" were Croatian territory, were made to the UNPROFOR mandate when it came up for renewal in March 1993. Frustration also turned to opportunism shortly thereafter, as Croatia and the Bosnian Croats it supports abandoned their alliance with the Bosnian Government and the defense of Bosnia-Herzegovina, and instead resorted to the taking and consolidation of territory in anticipation of Bosnia-Herzegovina's division along ethnic lines. This new policy, accompanied by verified reports of "ethnic cleansing," including detention camps and atrocities, subjected the Croatian Government to even more outside criticism, and the possibility of political and economic sanctions as well. The Serb militants took advantage of a full year of conflict between the Bosnians and the Croat forces in Bosnia to consolidate their control. Their brutal shelling of the marketplace in Sarajevo in February 1994, however, caused the United States to intervene diplomatically by establishing a Bosnian Federation between the Bosnians and the Bosnian Croats, coupled with an eventual confederal arrangement between Bosnia-Herzegovina and Croatia based on economic cooperation.

While the new federation floundered until given greater support one year later, Croatia did rejoin Bosnia-Herzegovina in a military alliance and sought to end the situation in which the international presence seemed to perpetuate militant Serb occupation. A renewed threat to expel UNPROFOR in early 1995 at least changed the mandate for UN peacekeepers, changing their title to the United Nations Restoration Operation in Croatia (UNCRO), which was a smaller force reconfigured to include monitoring of the border between occupied parts of Croatia and Serbia or Serb-occupied Bosnia-Herzegovina. Then, on May 1, 1995, Croatian forces crossed truce lines and seized control of occupied western Slavonia, considered to be the least critical territory for the Serb militants. Thousands of Serbs fled the region, and militant Serbs in other occupied areas retaliated by a brief shelling of Zagreb, which killed six people.

Bosnian Serb victories in the summer of 1995, particularly the taking of the UN-designated safe havens of Srebrenica and Zepa in July, momentarily created the possibility that the conflict might soon end with a complete Serb conquest. However, strengthened Bosnia-Croatian military cooperation led to a new offensive in August 1995, in which their forces made inroads in Serb-occupied northwestern Bosnia-Herzegovina. This had the effect not only of relieving the besieged Bosnian enclave of Bihac, but it cut the Serb stronghold of Knin and all of the self-proclaimed Krajina from the Serb-occupied areas of Bosnia-Herzegovina. An attack on the Krajina, known as "Operation Storm" led to its quick collapse. Over 175,000 Serbs from the region are believed to have fled, not by ethnic cleansing on the part of Croatian forces but by the call and propaganda of their own leaders. Nevertheless, as they departed, Croatian forces and civilians harassed them vigorously in some locations and began a continuing practice of burning and looting their property. Only about 5,000 Serbs remained in the region, many elderly, and over 100 of them were known to have subsequently been beaten severely and even killed. Croatian calls for the Serbs to remain in the country seemed only to be for international consumption.

The Croatian success in retaking all of the occupied territory except in eastern Slavonia nevertheless caused a groundswell of support for President Tudjman and the HDZ government. Additional action in Bosnia-Herzegovina succeeded in pushing the Serb militants back further. New fighting to protect the Dubrovnik area from attacks by Bosnian Serbs across the mountains or to retake eastern Slavonia began to take shape, although it only developed briefly around Dubrovnik. As NATO initiated a more robust air response to continued Serb aggression in Bosnia-Herzegovina and the United States began an active diplomatic campaign to find a settlement, the Croatian leadership decided that the Autumn of 1995 was optimal for consolidating its power with its popularity before delicate and difficult decisions had to be made. A "new situation" was declared by the Croatian Government because of the reintegration of the occupied areas into Croatia and the mass departure of Serbs. This situation was the basis for new elections.

The Elections

The basis for the October 1995 elections in Croatia was a new election law that was suddenly presented and quickly adopted by the Sabor on September 18, 1995, with little time permitted to examine and debate its content. Within four days, the parliament was dissolved and President Tudjman called for new elections, scheduled for October 29. This was the earliest that the elections could have been held, given the legal requirement of thirty days between the calling of the elections and election day. Constitutionally, however, the elections could have been scheduled for any day up to 60 days after the dissolution of parliament, and the decision not to hold them in early or mid-November was a political one.

Contested Seats

The Constitution of the Republic of Croatia provides that the House of Representatives shall have no fewer than 100 and no more than 160 seats with four-year terms. The election law retained the existing number of seats to be contested at 124, noting, however, that the number could be increased to achieve the proper representation of national minorities.⁽⁴⁾ In fact, given the substantial population flux since the last census in 1991, the law fixed the number of seats at 127 until a new census is conducted.⁽⁵⁾

State List Seats

Eighty of the seats were contested using the proportional system, in which all voters were given the same ballot, or "state list," of eligible political parties or coalitions. This was an increase from 60 seats in the 1992 elections. Fourteen parties or coalitions were listed on the ballot, each having submitted petitions with the required minimum of 5,000 signatures. The seats subsequently were divided proportionally among those parties that received at least 5 percent of the total votes (up from 3 percent in 1992), or 8 percent if two parties submitted a joint list, 11 percent if a coalition of more than two parties. In theory, the higher thresholds for joint lists and coalitions was expected to discourage cooperation between like-minded parties, especially those which believe they might be able to achieve the lower threshold on their own more easily. This would work to the advantage of a dominant party wishing to keep the opposition divided. In practice, however, this did not deter some parties from forming their own coalitions in the elections and achieving the necessary threshold to win seats.

District Seats

Twenty-eight seats were contested using the majority system, in which voters were to be given an additional ballot, or "single constituency list," for specific candidates in each of 28 newly created electoral districts. This was a decrease from the 64 seats contested in this manner in 1992. Candidates were placed on the list if nominated by a political party or coalition, or if they were independent and obtained a petition of 400 signatures. 175 candidates participated, each with a deputy, with the number of candidates in each of the districts ranging from 3 to 10.

To be elected to their respective seats, candidates running in specified districts had to achieve a plurality, not a majority, of the votes, making run-offs unnecessary for races where candidates received less than 50 percent of the vote. Only where irregularities were found that invalidated the results was there to be a new election round. This was similar to the 1992 election law in Croatia. Many other countries require an absolute majority to win, which may prove cumbersome but can make it more likely that a dominant party could lose a seat in a second vote. There was some complaint that the creation of the new districts was done in such a way that enhancing the ruling party's chances to win was a clear possibility.

Minority Seats

Instead of voting with a single constituency list, members of certain national or ethnic minorities could vote for candidates for seats reserved for those minorities. According to a constitutional law, those minority or ethnic groups comprising more than eight percent of the total population were entitled to representation in proportion to their share. Those with less than eight percent were granted representation as determined by law, which provided for the election of four with the possibility of selecting one additional candidate to be a representative (and increasing the size of the House to 128) if needed to achieve a total representation of five seats for these smaller minorities. Similar to the 1992 election results, the Italian and Hungarian minorities each received one seat, the Czech and Slovak minorities shared one seat, and the Ruthenian, Ukrainian, German and Austrian minorities together shared one seat. Specified districts were established where these minorities were concentrated, with two to six candidates for each seat. Some minority groups, including the Muslims (Bosniacs) and Roma (Gypsies) complained, albeit mildly, that they were not accorded formal representation as a minority group.

Unlike 1992, the only national or ethnic minority larger than eight percent—the Serb community—was permitted to elect its own representatives. Rather than a specified district, the special list for Serb representatives was available to Serb voters at polling stations throughout the country as well as abroad. Previously, there was no separate ballot for the Serb community to elect its own representatives, as the final results of the general elections were to be examined instead to see if the number of elected candidates who declared themselves to be ethnic Serbs met or exceeded the requisite number, which was 13 at that time. When none were, they literally had to be selected from the state lists of contending political parties, plus three members from the Serbian People's Party (which was exempted from the "three percent" rule by the courts because of the overriding need for proportional representation of this minority). This time, however, the number of seats reserved for ethnic Serbs was reduced from 13 to 3, with 8 candidates competing on the same ballot.

This drop was based on an estimate of the number of Serbs still residing within Croatia's borders following the mass exodus of Serbs from Croatia, first in 1991 and then in 1995. One Croatian political leader claimed that three seats actually gave the Serbs greater representation considering the number that had left the country. In addition, from a technical point of view ten additional Serbs could be elected from

among the ranks of the state lists, as was envisaged in 1992. Given that experience, however, this occurrence was extremely unlikely, and the substantially lower number of seats implied that those who had left were not expected back, nor would be welcomed. Croatian officials denied this was the purpose, yet none could assert with confidence that new elections would be held to reflect another "new situation" if large numbers of Serbs were to begin to return. At best, they seemed resigned to ride out the four-year terms of the Representatives about to be elected. Perhaps more important, no new census was taken in order to determine with any reasonable accuracy how many ethnic Serbs actually still resided on Croatian territory.

Diaspora Seats

The remaining twelve seats proved to be even more controversial than the three reserved for the Serb community. These seats were reserved, according to election law, for "voters who do not have a residence on the territory of the Republic of Croatia...".⁽⁶⁾ These seats were to be contested on a proportional basis, with a state list, and the same percentage requirements as for the 80 other proportionally contested seats. This so-called "diaspora vote" would take place in 42 countries around the world, from neighboring Bosnia-Herzegovina to New Zealand.

This arrangement also differed significantly from the 1992 election. At that time, eligible voters living abroad could vote at polling stations established abroad, but they could only vote on the state list and on the candidate list for the district in Croatia where they had resided. Even this proved controversial, in that opposition parties claimed they were unable to observe the proceedings.⁽⁷⁾ In 1995, voting abroad not only continued; eligible voters could now vote for their own representatives on a diaspora list. If they belonged to a particular national minority, they could alternatively vote using the list for that minority. To have actual seats reserved for a non-resident population is not without precedent, but the number of potential voters in the Croatian elections (some estimated as high as 400,000) and the percentage of seats reserved (almost 10 percent) made it more significant and controversial than anywhere else.

Moreover, for Croatia the voters abroad were more than emigres with dual citizenship or people on official business. They included a large segment of the ethnic Croat population indigenous to neighboring Bosnia-Herzegovina, who constituted the overwhelming number of eligible voters living outside of Croatia. While they had to become citizens to vote, obtaining Croatian citizenship was reportedly not difficult for a Bosnian Croat to do. Some critics argued that the reservation of twelve seats for the diaspora was a manifestation of the Croatian Government's designs on Bosnian territory. Croatian officials denied this, and explained that the diaspora population has been critical to Croatia's survival as an independent state and deserved representation. In addition, 12 seats were considered reasonable compared to proposals for a third parliamentary chamber for the diaspora.

The diaspora seats could, in a sense, be justified by the important role played by Croats living abroad and supporting the country. Even opponents of the seats acknowledged their important role. As ruling party loyalists knew the extent to which the diaspora supported the ruling party ever since it was the main opposition to communist rule, however, the seats really reflected a somewhat blatant attempt to ensure an HDZ victory by tapping into a sure HDZ-voting block. Even if the creation of these seats was driven by a desire to maximize the HDZ victory, the effect went beyond that goal. By enfranchising so many citizens of Bosnia-Herzegovina, Croatia also swayed their loyalties from that country, to the detriment of regional stability.

The Political Parties

As in many of the developing democracies of the region, there are dozens of registered political parties in Croatia, some basing their existence on ideology, regional interests or ethnic background. Only a portion of them, however, actually participated in the elections. For the state list, for example, 17 parties participated, and 5 of them did so in a coalition called the United List. For the most part, it was the same parties that fielded candidates in the 28 districts, sometimes with slightly different coalition arrangements among the opposition parties. There were also some independent candidates. With the exception of the one for ethnic Serb voters, most of the special minority ballots consisted of independent candidates. Seven political parties fielded lists of candidates for the "diaspora" voting lists.

The ruling party, the Croatian Democratic Union (HDZ), was first formed in late 1989, just as the communist regimes which ruled Yugoslavia and its constituent republics accepted alternative political parties. In many respects, it resembled more a mass movement than a political party, united only in its opposition to continued communist rule and support for its leader, Franjo Tudjman. In the first multi-party elections in Croatia in April 1990, the HDZ won control of parliament and Tudjman was selected to be President. In 1992, the HDZ enhanced its power, and Tudjman was then directly elected to a four-year term of office. During this time, the party became the dominant feature of Croatian political life, and party loyalists were rewarded with key positions in government, the media and business. As the HDZ's hold on power was affirmed, however, some splintering began as the various groups within it espoused different directions for the country.

Of particular importance was the open dispute between the party and its leaders within the two chambers of the Sabor, Stipe Mesic and Josip Manolic. Mesic had previously served as Croatia's representative on the former Yugoslavia's collective presidency, actually serving as the last legitimate president of that country, and held considerable influence. Manolic, who had served previously as Croatia's Prime Minister, was less well known but very much respected. In early 1994, as Croatia faced growing international criticism and possible sanctions for its aggressive posturing toward Bosnia-Herzegovina, Mesic and Manolic distanced themselves from these destructive policies and opposed those within the HDZ who promoted them. The result was their eventual removal from the HDZ and, after considerable constitutional wrangling, from their positions as heads of the respective legislative chambers. They subsequently formed their own political party, which ran in the October 1995 elections, called the Croatian Independent Democrats (HND).

The other opposition political parties essentially fell within three groups, those with a politically liberal orientation, those considered to be far right of center, and those representing ethnic communities in Croatia. In addition to the new HND, the politically liberal parties included the Croatian Social Liberal Party (HSLs), the Croatian Social Democratic Party (SDP, formerly the ruling League of Communists of Croatia), the Croatia People's Party (HNS), the Croatian Peasant Party (HSS), the Social Democratic Action of Croatia (ASH) and the Croatian Christian Democratic Union. Joining this group were several region-oriented parties, including the Croatian Party of Slavonia and Baranja and the Istrian Democratic Assembly.

The HSLs and the SDP --- the largest of these parties---generally fielded their own party lists and district candidates, while the remaining formed a coalition. The HSLs, led by 1971 student leader Drazen Budisa, was considered the leading opposition party in Croatia, although its failure to make sizable gains

vis-a-vis the HDZ has given it a growing credibility problem. The SDP under Ivica Racan, in contrast, has had to face the legacy of its decades of one-party rule, viewed by some to have been repressive but by all to have had a definite "Yugoslav" outlook. To some degree, as Croatian independence matures, that outlook may evoke a less negative reaction from the population, and the SDP can be expected to regain greater credibility as an opposition party.

On the far right were two parties which split from each other. The Croatian Party of Rights (HSP) has been a player in Croatian politics since the arrival of political pluralism in 1990. The party took its name from the political party founded in 1861 from which the Ustase organization that ruled the fascist Croatian state during World War II emanated. While cloaking itself in democratic garb, the HSP has generally been an advocate of a "Greater Croatia" and less than willing to accommodate the concerns of the country's non-Croat population. During the Croatian phase of the Yugoslav conflict, the party formed its own paramilitary units perceived to be defending Croatia from aggression, thereby generating support for the party. The failure to capitalize on this legacy during the 1992 elections, however, led to a split between Dobroslav Paraga, the party leader, and his deputy, Ante Djapic. As each went his own way, both kept the same name for their respective parties but with Paraga adding "1861" to the end. Paraga, while a nationalist, nevertheless remained in opposition to the HDZ, which he characterized as undemocratic. Djapic, on the other hand, moved toward the HDZ to the point that, for the 1995 elections, his party was considered somewhat a vassal of the ruling party.

While insignificant in terms of seats and actual political power, the ethnically based political parties in Croatia are nevertheless important. This is especially the case for the Serb community, which represented as much as 12 percent of the country's population prior to the conflict. Originally, the leading party representing Serb interests was the Serbian Democratic Party, which participated in the 1990 elections. The party became the basis, however, for the formation of the Krajina by the militant Serbs who subsequently occupied about one-quarter of Croatian territory following Croatia's declaration of independence in June 1991. The withdrawal of the Serbian Democratic Party from Croatian politics brought to the fore a new party, the Serbian People's Party (SNS), which participated in both the 1992 and the 1995 elections. The SNS, led by Milan Djukic, has been viewed as subservient to the HDZ, although its willingness to participate in the Croatian political system has not meant failing to criticize that system. Indeed, it was the SNS that complained the most about not having special elections for the Serb community in 1992, which was the case for 1995. In the meantime, however, a new party emerged, the Independent Serbian Party, which was only registered on October 6, 1995. Its members, including leader Milorad Pupovac, fielded candidates under the auspices of the Social Democratic Action of Croatia (ASH), and were viewed as genuinely in opposition to the government and independent of the HDZ.

Of course, a key question is exactly what segment of the Serb population these parties represent. Most of the Serb community which had lived in the Krajina region and other occupied areas fled the country as Croatian forces captured Knin, the capital of the self-declared Serbian Republic of Krajina. Given the lack of democratic conditions under militant Serb rule, the extent to which ethnic Serbs actually supported their leaders is not clear, but their leader's control over them through propaganda and coercion has been certain. On the other hand, not all of Croatia's Serb population lived in the occupied areas; large numbers of ethnic Serbs live in Zagreb and are scattered throughout the country. At least for now, Serb political parties rely on this population for their support. Many Serbs, however, have supported non-ethnic parties, especially the SDP and the HSLS. It would be wrong to assume that members of the Serb or other non-Croat communities uniformly support the political parties that claim to speak in their name.

The Hungarian People's Party of Croatia was the only other ethnically based political party that fielded a candidate for a minority seat. Most of the minority-seat candidates were independent, with one coming from the HDZ and two from mainstream opposition parties.

Election Commissions, Polling Stations and Observers

The election law established a three-tiered apparatus to conduct the elections. At the top was the Election Commission of the Republic of Croatia, a five-person body, with a deputy for each, consisting of judges of the country's Supreme Court and/or other eminent lawyers. The Election Commission appointed the members of the subsidiary election commissions and had overall responsibility for conducting the elections and announcing the results. Directly below the commission were the election commissions of the 28 districts, each with a chair, two members and their deputies coming from the ranks of judges and lawyers. The same set-up applied to the committees which ran the 6,684 polling stations, except that a background in practicing law was not required. In addition, there were 239 polling stations in 42 countries, which followed the same general rules as the district commissions and polling stations in Croatia.

At all levels, election officials were prohibited from membership in a political party. This continued a previous and widely used practice of excluding party representatives from election positions. The benefit is that those who do serve in an election position are theoretically neutral. It does, however, give rise to suspicions that those chosen may be independent from the party in power in theory but not in reality. This, of course, may happen in any country, but in one where democratic institutions are not fully developed, as in Croatia, this stipulation does little to instill confidence in the integrity of the electoral process.

Aggravating these circumstances were changes made regarding the ability of political parties to observe the elections. In contrast to previous practice, not all political parties fielding candidates were permitted to observe the polling and counting of ballots. Instead, the party in power was allowed one observer, and the opposition parties combined were allowed one observer at each polling site. Which of the opposition parties would be permitted to send an observer was to be determined by mutual agreement, but the Party of Rights—widely viewed as so supportive of the HDZ that it was not genuinely regarded to be an opposition party—blocked this agreement. A subsequent drawing of lots gave the Party of Rights the right to observe the proceedings as the opposition representative in 15 of the 28 district election commissions, leading other opposition parties to conclude that the system was not adequately open to their observation. Official explanations for these arrangements—usually space limitations—were not viewed as satisfactory. On election day, few observers were actually encountered, and most frequently they were from the ruling HDZ.

Opposition parties were also concerned about their ability to observe the "diaspora" election, given the large number of countries in which voting occurred. While this voting went largely unobserved, at least one foreign observer was informed that "partisan" observers would not be permitted at the polling site. In Bosnia-Herzegovina, where most of the "diaspora" voting occurred geographically the easiest for political parties to send observers, foreign observers found no observers from opposition parties.

Foreign observation of the elections took place without difficulty. Delegations from the OSCE Parliamentary Assembly, the Council of Europe and private groups under the auspices of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observed, along with staff from various embassies and consulates in Croatia. There was no known hindrance to the foreign observation of the diaspora vote, and at least two teams traveled into neighboring Bosnia-Herzegovina in order to observe the balloting there. In one case, however, an official at a polling station in western Herzegovina alleged that he was not

supposed to answer certain basic questions observers normally ask but nevertheless cooperated because he thought it was the right thing to do.

The Campaign Period

The campaign period was very brief, as only five weeks separated the announcement of the elections and election day. This likely benefited the ruling party, which hoped to capitalize on the success in retaking the Krajina region in the campaign rather than have any genuine policy debates about the future course of the country. While the timing was a political decision—the elections could have been held in November—it was legal, and political parties in power anywhere cannot be criticized for seeking to maintain their rule. At the same time, opposition parties claimed that such a short campaign not only disadvantaged them but also general democratic development in Croatia, a fact which HDZ representatives generally refused to concede.

On the surface, the campaign was relatively open. Political parties engaged in a wide range of campaign activities, including rallies. Campaign posters dotted the Croatian landscape. For the most part, the well-financed HDZ was able to take the large billboards, some of them electronically turning from one picture to another, for its posters, while opposition parties were relegated to fighting for space on trees, walls and any other public space, frequently covering each other's posters in the process. In neighboring Bosnia-Herzegovina, only HDZ posters were seen. At the very close of the campaign period, the Croatian Party of Rights dropped leaflets from an airplane flying over Zagreb.

Media access was much more complicated and controversial. The main source of information is the broadcast media, radio and television, both of which are subject to government control. The directors of the state-owned radio and television are appointed by the parliament. There are a few independent television stations and several radio stations; most, however, are local, and official controls over frequency distributions have prevented more from existing.

During the campaign period, the broadcast media were viewed as supportive of the ruling HDZ, despite official proclamations on the equal treatment all political parties would receive. For example, Croatian television granted each party fielding candidates one hour to present its program, but, during that hour, each would have to answer the same 17 questions which were drawn up in advance and, at least in part, written in a way that would make it difficult to oppose the policies of the existing government. Moreover, daily news broadcasts were slanted toward excessive coverage of official events in which HDZ candidates were participating. Campaign advertisements were permitted, but in some cases opposition advertisements were delayed or even altered because of alleged amoral content or some technical problem.

The print media were more diverse but less influential, as most of the population relies on the broadcast media for news. In addition, since taking power in 1990, the HDZ has taken direct action against some newspapers and journals, including targeting specific journalists and editors, but more frequently, the HDZ has taken control of the editorial boards under the guise of privatization efforts, keeping them from being a credible catalyst for opposition to government policies. Perhaps most widely known example of this kind of takeover was that of the Split-based daily, *Slobodna Dalmacija*, which provided anti-HDZ points of view as recently as the 1992 elections but was subsequently neutralized. Some anti-HDZ papers and magazines still exist and, unlike the situation in 1992, are sold at kiosks run by the official publishing house, Vjesnik. Some, however, are tabloid-like and lack credibility, such as *Feral Tribune*, while others, like *Erasmus*, are so intellectually oriented that they are not distributed widely outside circles that tend to be in opposition to government policies. The most serious opposition newspaper at the time of the elec-

tions was *Novi List*, based in Rijeka, and that newspaper operated under the threat of potential retaliation by government officials.

Given the recent conflict, which had a serious impact on Croatia's population, as well as the recent military success in retaking Serb-occupied territory, the tone of the campaign was limited. Opposition candidates had difficulty opposing government policies without being subjected to accusations of being less than Croatian patriots, and the Croatian public was so unsympathetic to the plight of the Serbs who fled the country that any raising of human rights concerns related to Operation Storm—which was the only complaint that could be made—was viewed as political suicide. To some extent, the opposition parties may have become so accustomed to being in the opposition that they failed to provide any real alternative for the Croatian population to consider.

Instead, the HDZ may have itself that benefited the opposition during the campaign period by taking the Croatian citizenry for granted. One HDZ official in effect confessed, for example, that the party overplayed the media by making its control or influence so blatant that it insulted the intelligence of the average citizen who probably grew tired of seeing the same personages highlighted and praised every day. In addition, the heavy solicitation of the diaspora vote seemed to anger some people, as members of the diaspora were believed not to have to pay Croatian taxes or be subject to conscription in the Croatian military.

Anecdotal or circumstantial evidence suggests, however, that these issues may have convinced persons not to participate in the elections, rather than to participate by voting for the opposition. This apathy might reflect the fact that, while citizens may not have been happy with Croatian politics, their personal lives were not so severely affected that they would take an initiative to change things on their own. This perspective was certainly reinforced by the HDZ campaign strategy, which implied that a vote for any party other than the HDZ was not only a vote against the HDZ, but against President Tudjman himself. The opposition strategy focused primarily on reports of corruption among HDZ ranks, using slogans like "Enough" and "Honestly Gentlemen!" in their campaign advertisements. While this may have added to public frustration with HDZ leadership, most Croatians seemed to accept politicians taking advantage of the perks of office.

A fund was created for financing the elections, which included reimbursement of campaign expenses to those who won seats, based on their percentage of the vote. There was few complaints about this arrangement. One monitoring group alleged that the HDZ used its control over the postal service, however, for the distribution of campaign literature at no cost to the party.

In accordance with the election law, there was no overt campaigning on the day before the elections, or on election day itself, and it seemed as if all parties respected this prohibition.

Voting

The polling stations were opened to voters from 7 a.m. to 7 p.m. on Sunday, October 29. The number of eligible voters was 3.634 million. This included 17,439 who were registered to vote in the Italian special voting unit; 6,938 in the Hungarian unit; 10,216 in the Czech and Slovak unit, 2,578 in the German, Austrian, Ukrainian and Ruthenian unit; and 174,611 for the special Serb list which was available throughout the country and abroad.

The number of those in the diaspora eligible to vote was not really known, as any Croatian citizen who could prove residency abroad had the opportunity to participate in this vote or, if they had papers for residency in Croatia or were on a minority list, they could vote in the specific district for which they were

eligible. Estimates for the potential number of diaspora participants prior to the elections ranged as high as 460,000, about 312,000 of which were from Bosnia-Herzegovina. The final number of voters in the diaspora elections was 109,389, most from Bosnia-Herzegovina.⁽⁸⁾

Voter eligibility is linked directly to citizenship, which remains a controversial issue for Croatia. While the issue of citizenship is a very complicated legal matter, the crux of the problem for Croatia is that ethnicity has the potential to play a greater role in obtaining citizenship than residency. Earlier, bureaucratic delays in providing a *domovnica*, the basic document attesting to residency and citizenship, was a problem for those who had by all accounts an unquestionable claim to citizenship, with such delays more prevalent among non-Croats or those born outside the republic before 1947. Despite some steps to mitigate the problem, these delays effectively prevented some people from being able to vote in the 1992 elections. Since then, this problem has been addressed, except that an ethnic Croat from the United States, Australia or Canada who has never even visited Croatia may obtain Croatian citizenship more easily than a non-Croat who has a better claim based on place of birth or residency.⁽⁹⁾

For the 1995 elections, questions were raised regarding the eligibility of Bosnian Croats with no real ties to Croatia itself to become citizens and therefore to vote. In western Herzegovina, which has an overwhelmingly ethnic Croat population, local officials estimated that anywhere from 25-40 percent of the population had Croatian citizenship. There was no evidence there, or in any other country, that ethnic Croats who had not first obtained citizenship were allowed to vote. It seemed, however, that in a region such as western Herzegovina where nationalist emotions overtake respect for the rule of law, Croatian citizenship was all but available upon request.

On the opposite side of this issue has been the eligibility of the Serbs from the Krajina regions to obtain Croatian citizenship. For the 1995 elections, this remained a moot issue. Earlier, the militant Serb authorities did not allow these people to seek Croatian citizenship, and the fall of the occupied regions in western Slavonia and the Krajina in 1995 was accompanied by a mass departure of the Serb population, not an influx of new requests for Croatian citizenship. Croatian authorities made no genuine effort to entice the return of the Serbs. Indeed, except for formal statements that may have been largely for outside consumption, Croatian policy indicated that the government was content to be rid of the Serbs entirely, and therefore had no interest in granting them citizenship.

The ballots used for voting were professionally prepared and seemingly fair to the parties or candidates listed, with two exceptions. First, and most notably, opposition parties decried the decision to include the heads of the parties on the state list, which meant that persons not running for election, especially President Tudjman, were nevertheless on the ballot. This was widely viewed as a potential source of great confusion for voters and designed to enhance the HDZ chances for gaining votes by making people think they were actually voting for Franjo Tudjman. Second, some Serb community leaders alleged that the use of a red-colored ballot for the special Serbian vote might signify an association between being Serb and being a communist or pro-Yugoslav. This complaint seemed less credible.

During the course of voting, it seemed as if polling stations officials were adequately educated on the rules and performed their duties diligently. The greatest discrepancy found in understanding how the balloting was to be carried out involved ethnic Serb voters. At some stations, polling committee members correctly stated that, in addition to the state list which every voter received, those on the Serb register could vote either for the Serb list or for the district list. At a significant number of polling stations, however, officials stated that those on the Serb

register could not opt for a district list but had to vote for the Serb list. It was unclear to what extent those who took this view were simply misinformed or intentionally sought to limit a Serb's right to vote. To the extent it was the latter, it was probably a local phenomenon, albeit one which higher authorities did little to discourage.

Many observers, including the OSCE Parliamentary Assembly, complained about the need for Serbs to identify themselves as such at the polling station. Given ethnic tensions, it may have been intimidating for ethnic Serb voters to do this, and the complaint appears valid for Serbs wanting to vote on the district list instead of the Serb list, making his or her ethnic identity irrelevant. At the same time, there is no alternative to voter identification if a particular ethnic community wants to have its own, designated representation in parliament. This was not something that Croatian authorities wanted; it was what the Serb leaders themselves requested and what the international community pressured Croatia into accepting as a condition for recognition of its independent statehood. Furthermore, the fact that many Serbs opted for district instead of Serb lists when voting was not necessarily a sign of their apparent intimidation. Voters may have assumed that the requisite number of ethnic Serbs would be elected to the Serb seats and that their vote was better spent on choosing the district candidate most responsive to their own personal concerns, which might have had nothing to do with ethnic issues at all. The vociferous raising of this concern also indicated a popular foreign misconception that all Serbs faced local discrimination throughout the country, when in reality many have been able to continue with their own lives not much more affected by the tensions and conflicts than the Croats they have as neighbors.

One problem common to previous Croatian elections, and to elections in other countries of the region, was also evident in the 1995 voting. In many polling stations, there were inadequate provisions for secret voting. In some instances, there were not even simple dividers between the desks or tables where people marked their ballots, and families and friends were frequently seen voting as a group. Officials were not attempting to manipulate the vote, but surprisingly, observer comments about these problems during the 1990 and 1992 elections had not led the authorities to correct sloppy voting practices.

Another, more difficult problem, were the registration lists. The absence of a recent census, especially following major population shifts, made it difficult to have accurate lists, and the common negligence of the citizen to ensure his or her name was on the register ensured inaccuracies. As a result, names of persons who should have been removed remained, creating the possibility for someone to attempt to vote in their stead. On the other hand, a certain number of voters who were not on the list should have been. The authorities were accommodating to these people by permitting them to be added if they could obtain proof of their eligibility. Local offices were open on election day so that they could do so. However, the need to take the extra step of proving one's eligibility to vote undoubtedly made some voters decide not to vote after being turned away at the polling station.

In addition, unlike in previous Croatian elections, voters were not mailed invitations to vote. Authorities were not required to deliver such invitations. Many people, however, seemed to have been expecting them. Had this been required, people who did not receive them might have realized earlier that they were not registered, at least at their current place of residency.

The organization of the voting varied between regions. Some of the common problems—disorderly or long lines of voters, a general lack of secrecy in voting, etc.—seemed significantly more prevalent in the western Herzegovinian region of Bosnia-Herzegovina than in Croatia itself. Moreover, in western Herzegovina pictures of Franjo Tudjman were present in virtually every polling station observed, a serious violation given the presence of his name on the ballot. Even in Croatia, where it would be common for a

picture of the country's president to be displayed in public buildings, this would not have been excusable. To have displayed President Tudjman's picture so consistently in a neighboring country seemed very intentional to those observing.

There were no indications of real problems in the counting of ballots after the polling stations closed. People who were in line waiting to vote at 7 p.m. were not turned away, and the polling committee members seemed to know that they had to count the ballots as a team and not divide the work among themselves. The chief problem was the delivery of votes to the election officials at higher levels for tabulation, which was generally not open to observation and could not be verified by party observers at polling stations since they were too few in number to cover a sufficient number of stations and tabulate their own results. Some observers noted that some polling committees invalidated ballots that perhaps should not have been. Decisions on the validity of ballots at a particular polling station were consistently applied, however, regardless of which parties or candidates the ballots in question supported.

RESULTS AND POST-ELECTION DEVELOPMENTS

The Results

Out of a total of 3.634 million voters, 2.5 million actually voted, a turnout of 82.66 percent. This seems to be typical for Croatian elections, with a turnout of 74.9 percent in 1992 and 84.5 percent in 1990.⁽¹⁰⁾

The specific results were as follows:

STATE LIST

<i>Party</i>	<i>Percent</i>	<i>Seats</i>
Social Democratic Action of Croatia (ASH)	1.67	0
Homeland Citizens Party (DGS)	0.22	0
Croatian Democratic Union (HDZ)	45.23	42
Croatian Conservative Party (HKS)	0.28	0
Croatian Christian Democratic Party (HKDS)	0.70	0
United List (Coalition) of the Croatian Peasants' Party (HSS), Istrian Democratic Assembly (IDS), Croatian People's Party (HNS), Croatian Christian Democratic Union (HKDU), and Croatian Party of Slavonia and Baranja (SBHS)	18.26	16
Croatian Social Liberal Party (HSLs)	11.55	10
Croatian Party of Natural Law (HSNZ)	0.32	0
Croatian Party of Right (HSP)	5.01	4
Croatian Party of Rights—1861 (HSP-1861)	1.30	0
Croatian Independent Democrats (HND)	3.00	0
Independent Party of Rights (NSP)	0.27	0
Social Democratic Party of Croatia (SDP)	8.93	8
Social Democratic Union of Croatia (SDU)	3.24	0
Total	99.98	80

DIASPORA LIST

<u>Party</u>	<u>Percent</u>	<u>Seats</u>
Croatian Democratic Union (HDZ)	90.02	12
Croatian Christian Democratic Party (HKDS)	0.60	0
Croatian Party of Rights (HSP)	3.61	0
Croatian Party of Rights—1861 (HSP-1861)	1.45	0
Homeland Citizens' Party (DGS)	0.20	0
Social Democratic Action of Croatia (ASH)	1.10	0
Union of the Homeland and Diaspora	3.02	0
Total	100.00	12
<i>District Seats</i>		

Party Candidates Fielded Seats

<u>Party</u>	<u>Candidates</u>	
	<u>Fielded</u>	<u>Seats</u>
Croatian Democratic Union (HDZ)	28	21
Croatian Party of Rights	28	0
Croatian Social Liberal Party (HSLs)	8	1
Istrian Democratic Assembly (IDS)	1	1
Social Democratic Party (SDP) 1 1		
Social Democratic Union	14	0
Candidates with Multiple Party Support (HSLs-4; HNS-4; HSS-4; SDP-4; HND-4; HSP-1861-2; IDS-2)	21	4
Other Parties Fielding Less than 10 Candidates	50	0
Independent Candidates	21	0
Total	172	28

SERBIAN SEATS

<u>Party</u>	<u>Candidates</u>	
	<u>Fielded</u>	<u>Seats</u>
Serbian People's Party (SNS)	3	2
Social Democratic Action of Croatia (ASH)	3	1
Independent candidates	2	0
Total	8	3

MINORITY SEATS

<u>Party</u>	<u>Candidates</u>	
	<u>Fielded</u>	<u>Seats</u>
Croatian Democratic Union (HDZ)	1	0
Croatian Independent Democrats (HND)	1	0
Croatian Social Liberal Party (HSLs)	1	0
Hungarian People's Party of Croatia	1	0
Independent Candidates	12	4
Total	16	4

The state list may be the most indicative of the degree to which the various parties or, in many cases, their leaders have broad-based, popular support, and it was here that there was the greatest diversity in the results. The HDZ obviously maintained its first-place position, but not by significantly more than the 43.7 percent of the vote it received in the state list race in 1992. Indeed, as the results were coming in, the pro-HDZ Croatian Party of Rights (HSP) hovered around the 5 percent hurdle and, in the end, squeaked above that mark in order to claim seats. Had the HSP not done so, the final tally of seats would have placed the HDZ and its supporters in the new House further from the two-thirds majority they were seeking. Some have alleged that there might have been some marginal manipulation of the results to permit the HSP to obtain the four seats it did. The higher hurdles for coalitions did not, in the end, deny the United List (or Coalition) from obtaining its share of seats.

The diaspora lists gave an easy 12 additional seats to the HDZ, as many predicted it would, confirming the view that the unusual phenomenon of granting a diaspora specific seats was designed to enhance the HDZ majority. Four of the 12 elected are from Bosnia-Herzegovina, including the person serving as the Minister of Defense in the government of the Bosnian Federation.⁽¹¹⁾

The district races also went well for HDZ candidates. The variance between these results and those for the state lists could reflect the popularity of specific candidates irrespective of their party, and also the establishment of the districts, which some opposition parties claimed were created to the benefit of the HDZ. Some of the leading HDZ officials, however, were placed in district races rather than on the party's state list, and several important races, including those in which Foreign Minister Mate Granic and Defense Minister Gojko Susak ran, were close.

The results of the minority voting, including that for the Serb community, revealed no real surprises.

In the final seating, the HDZ achieved almost the exact same percentage of seats it held in the previous House of Representatives. The seating is as follows:

SEATING IN THE HOUSE OF REPRESENTATIVES

<u>Party</u>	<u>Seats</u>	<u>Percentage of Seats</u>
Croatian Democratic Union (HDZ)	75	59.05
United List (Coalition) of the Croatian Peasants' Party (HSS), Istrian Democratic Assembly (IDS), Croatian People's Party (HNS), Croatian Christian Democratic Union (HKDU), and Croatian Party of Slavonia and Baranja (SBHS)	16	12.60
Croatian Social Liberal Party (HSLs)	11	8.66
Social Democratic Party of Croatia (SDP)	9	7.09
Croatian Party of Right (HSP)	4	3.15
Candidates with Multiple Party Support (HSLs-4; HNS-4; HSS-4; SDP-4; 4; HND-4; HSP-1861-2; IDS-2)		
Independent candidates	4	3.1
Serbian People's Party (SNS)	2	1.57
Social Democratic Action of Croatia (ASH)	1	0.79
Istrian Democratic Assembly (IDS)	1	0.79
Total	127	100.00

The new seating may be somewhat better in that the HDZ split which led to the founding of the Croatian Independent Democrats (HND) led to a loss of seats, and the current HSP members can be counted on more solidly to support HDZ positions than their predecessors. Whether these changes will make an actual difference politically, however, is unlikely, as having anywhere between 50 and 66 percent of the votes gives the leading party a majority in the formation of a government and the passing of laws but limits its ability to make more fundamental changes to the constitution.

POST-ELECTION DEVELOPMENTS

October 30 showed that the elections the day before were almost a non-event. The campaign was over, the citizens had voted, and the results were not significantly different from before. The HDZ could claim a renewed mandate to rule the country, but its enthusiasm was tempered as the outcome was less favorable than expected. The opposition parties, on the other hand, had their complaints about how the elections were conducted but essentially accepted the results, almost resigning themselves to the role of a weak opposition minority on Croatia's political scene.

While there was considerable coverage of the election results in the media, public attention turned more toward the upcoming talks between Serbia, Croatia and Bosnia-Herzegovina at Wright Patterson Air Force Base in Dayton, Ohio. Those talks were expected to achieve some results of importance to Croatia, which they subsequently did, namely an agreement on the future of the still occupied eastern Slavonian region of Croatia (UN Sector East) and a settlement to the conflict in neighboring Bosnia-Herzegovina. In this sense, the elections were important. They did not add to the ruling party's existing majority, but they did confirm its support at a time when hard choices might have to be made, especially in regard to eastern Slavonia, ranging from renewed military action to accepting an unpopular settlement.

There were few actual irregularities that invalidated the voting at polling stations, and the conclusions of foreign observer teams were mildly approving of the way in which the elections were conducted. The OSCE Parliamentary Assembly delegation concluded that Croatian citizens "have adequate opportunity to participate in the political process," but expressed concern about the diaspora vote, the absence of a census to determine the true size of Croatia's Serb community, the partiality of the state-owned media and a lack of secrecy for voters at polling stations, especially ethnic Serb voters.⁽¹²⁾ The Council of Europe delegation echoed most of these concerns, adding that "in general it was felt that the speed with which the new electoral law was passed gave no opportunity for proper consultation and compromise... [I]t is hoped that the law will be reviewed in time for the next elections."⁽¹³⁾ The OSCE Office for Democratic Institutions and Human Rights (ODIHR) issued a press release on behalf of the many election observers whose activities it coordinated. The ODIHR statement noted many positive aspects about the conduct of the elections but, given the overall situation in the region, including recent military operations in Croatia itself, raised "concern about the ability to achieve universal and equal suffrage in an atmosphere conducive to strengthening democratic institutions."⁽¹⁴⁾

THE NEW GOVERNMENT

On November 4, 1995, Croatian President Franjo Tudjman selected Mr. Zlatko Matesa to be the Prime Minister of the new Croatian Government. The 46 year-old lawyer, associated for years with Croatia's oil industry, held senior positions in government, including Minister of Economic Affairs, since 1992.

Shortly after the new Prime Minister was elected, the following were chosen as the ministers in the new government:

Borislav Skregog	Deputy Prime Minister for Economy and Finance
Mate Granic	Deputy Prime Minister and Minister of Foreign Affairs
Jure Radic	Deputy Prime Minister and Minister of Development and Reconstruction
Ivica Kostovic	Deputy Prime Minister for Humanitarian Policy and Minister of Science
Ljerka Mintas-Hodak	Deputy Prime Minister for Internal Policy and Social Activity
Gojko Susak	Minister of Defense
Ivan Jarnjak	Minister of Internal Affairs
Bozo Prka	Minister of Finance
Davor Stern	Minister of Commerce
Ivan Penic	Minister of Privatization and Property Management
Matej Jankovic	Minister of Agriculture and Forestry
Ivica Mudrinic	Minister of Maritime Affairs, Transportation and Communication
Andrija Hebrang	Minister of Health
Bozo Biskupic	Minister of Culture
Lilja Vokic	Minister of Education and Sport
Niko Bulic	Minister of Tourism
Joso Skara	Minister of Labor and Social Welfare
Marina Dropulic-Matulovic	Minister of Urban Planning, Construction and Housing
Miroslav Separovic	Minister of Justice
Davorin Mlakar	Minister of Public Administration
Marijan Petrovic	Minister Responsible for Migrant Affairs
Branko Mocibob	Minister Without Portfolio

Commentators viewed the membership in the new government positively, as it brought in some new and moderate people. At a minimum, the people chosen dispelled concerns that President Tudjman would use the elections to install a more nationalistic and less democratic government, although some reputed hard liners, like Defense Minister Susak, remain in control of key ministries.

In conjunction with the House elections, local elections were also held in Zagreb for city government which demonstrated more challenges to HDZ control. Opposition parties won the elections, with the HDZ winning only 16 of the 50 city council seats. As a result, the opposition had the right to choose the new mayor. That nominee, however, must be approved by the country's president before taking the position. President Tudjman has refused to accept two opposition nominations for the position, both HSLs candidates known as moderates. Speculation exists that there is concern about handing over power in Zagreb's city government as successor opposition figures could reveal corruption by previous HDZ officials. The standoff has inspired the opposition to challenge the HDZ leadership and could become the spark for greater support for more politically liberal leadership throughout Croatia.

CONCLUSION

The October 29, 1995, elections in Croatia permitted the will of the people to be legitimately reflected, and the election process afforded Croatia's citizenry to express views, hear others and consider them all before deciding upon its parliamentary representatives. Problems in the conduct of the elections do not negate the fact that the HDZ and its leaders retain the majority of support of the Croatian population they first attained in 1990. The problems also do not completely explain the poor showing of the opposition, which in many respects remains divided and unable to provide a credible alternative to the HDZ.

That said, problems do exist, and the conduct of the elections was a major disappointment. None of the problems, with the exception of overt "diaspora" influence on the country's affairs, are unique to Croatia, and the fact that Croatia continues to be in a state of transition provides a partial explanation for their presence. However, with the declaration of independence, the aggression and the occupation being replaced by acceptance in the world community and the retaking of lost territory, such an explanation becomes less credible. The fact is that, from 1990 to 1992 to 1995, the conduct of elections has not only not improved, but the recurrent problems can lead to the conclusion that at least a large portion of the current Croatian leadership is not serious about a genuine democratization of the country.

There were two major problems with the conduct of the 1995 elections, within which most of the complaints heard and irregularities found fall. The first was the blatant solicitation of the votes of those ethnic Croats who do not live in the country and have a questionable right to participation let alone representation, in contrast to the obvious lack of interest in appealing to those with a greater right and need for representation—the country's Serb community—to become involved in Croatian politics. While the occupation of much of the country's territory by militants from 1991 to 1995—and the exodus when that occupation was brought to an end—have meant the self-exclusion of much of the Serb community from Croatia's political life, the facts remain that Serbs were not encouraged to feel at home in a Croatia ruled by the HDZ even before the conflict and that they are not being encouraged to return now. It proved unfortunate that even the politically liberal, non-nationalist opposition was unable to take a more positive stand on this issue.

The second major problem was the continued lack of real openness in making and explaining decisions regarding the elections. The lack of openness in the system, and the way in which opposition input is minimized, may fuel more suspicions about irregularities than are really warranted, but the lack of concern about allegations that the elections were manipulated indicates that major irregularities may have actually taken place or were at least considered if the electorate acted other than was expected. And, unlike the first problem, this problem cannot in any way be explained by the aggression which Croatia faced or the ethnic problems it may have.

Despite these problems, there are some reasons for optimism. First, the additional methods for achieving an HDZ victory did not make that victory any greater than in elections three years earlier. In other words, the ruling party designed the electoral system to achieve a larger majority than it had, and it timed the elections to follow military successes that should have made it highly popular. The fact that the results did not change the HDZ majority may have reflected the fact that Croatia's voting population is more sophisticated than usually assumed, and that it will not necessarily respond to blatant attempts to influence its views. Resentment over diaspora representation and media manipulation might be some aspects of this phenomenon.

Moreover, the opposition parties are cooperating more than before, including by forming a coalition or not competing against each other, and they have achieved at least one place to challenge the HDZ with the Zagreb city council victories. There is even reason to believe that the SDP—the former, and reformed, ruling Communists—might be able to overcome its more repressive legacy and the population's dislike of anything hinting of Yugoslavism to increase its own role in Croatian politics. This expectation does not imply actual support for these parties. Rather, it implies the need to see a greater diversity in Croatia's politics than now exists, and the results may indicate that Croatia may be poised to head in that direction.

The greatest challenge for Croatia will be posed by any return of the members of the Serb community that are now refugees in Serb-controlled areas of Bosnia-Herzegovina, or in Serbia itself. There are reports that an increasing number would like to return or could be convinced to do so, despite the harassment many of them received as they fled; the looting, burning and confiscation of their property; and the brutal treatment those few, especially elderly, Serbs who stayed behind have faced. If they are to return, they face not only nationalist Croats, but even moderate, otherwise reasonable Croats who have been victimized by earlier Serb aggression and, without the satisfaction of justice, assume collective guilt.

Croatia clearly has the potential to develop into a country with democratic institutions and a tolerant society. With the hurdles of independence, conflict and occupation slowly being overcome, the 1995 elections in Croatia may be at a turning point in that direction. There remain many variables, however, and the country's future course is by no means certain. For the sake not only of democracy in Croatia but of stability in the region, the international community needs to continue its active engagement in obtaining compliance with OSCE principles and norms.

ENDNOTES

1. For details on the Serb community in Croatia following Croatia's multi-party elections, see: Commission on Security and Cooperation in Europe, "Serbs in Croatia," *Minority Rights: Problems, Parameters and Patterns in the CSCE Context*, June 1991, pp. 129-138.

2. For a description of the European Community attempts to halt the fighting in Croatia, see the testimony of Ambassador Dirk Jan van Houten in: Commission on Security and Cooperation in Europe, *Hearing on the Yugoslav Republics: Prospects for Peace and Human Rights*, February 5, 1992, pp. 8-13.

3. In December 1991, the European Community established four criteria, two with strong human rights elements, for deciding which Yugoslav republics deserve recognition as independent states. Of those considered in January 1992—Slovenia, Croatia, Bosnia-Herzegovina and Macedonia—only Slovenia and Macedonia met those conditions. Recognition of Macedonia was nevertheless blocked by Greece, while Germany successfully lobbied for recognition of Croatia with new assurances by President Tudjman that minority rights would be respected.

4. Articles 22 and 26.

5. Article 58a.

6. Article 24a.

7. One election official at the time claimed that all the ballots he was transporting to another country would come back with votes for the ruling party, raising suspicions regarding the integrity of this election procedure.

8. In 1992, approximately 88,000 persons voted in the Croatian elections from abroad. At that time, the estimated number of persons eligible to vote was 220,000.

9. For a more detailed analysis of Croatia's citizenship practices, see: Human Rights Watch/Helsinki, *Civil and Political Rights in Croatia*, October 1995, pp. 5-15.

10. The turnout was especially high if one considers that these elections did not include a presidential race, although, as pointed out earlier in the report, some thought that it effectively did. The lower turnout in 1992 could have been attributable to the date of the elections, early August, almost an unprecedented time for elections in Europe.

11. The Bosnian Federation was created in March 1994 as part of a U.S.-brokered agreement which ended a year of hostilities between Bosnian and Bosnian Croat/Croatian forces in Bosnia-Herzegovina. The agreement also formed a primarily economic, confederal relationship between Croatia and Bosnia-Herzegovina.

12. Statement of the OSCE Parliamentary Assembly Delegation to Croatia, October 30, 1995.

13. Statement of the Council of Europe, October 30, 1995.

14. Statement of the OSCE Office for Democratic Institutions and Human Rights, October 30, 1995.

